

CHAPTER 21**MEMORIAL BUILDING AND MONUMENT COMMISSIONS***S.F. 130*

AN ACT relating to commissions that oversee memorial buildings and monuments.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 37.9, unnumbered paragraphs 1, 2, and 6, Code 2007, are amended to read as follows:

When the proposition to erect ~~any such a~~ building or monument ~~under this chapter~~ has been carried by a majority vote, the board of supervisors or the city council, as the case may be, shall appoint a commission consisting of not less than five or seven and not more than eleven members, in the manner and with the qualifications provided in this chapter, which shall have charge and supervision of the erection of the building or monument, and when erected, the management and control of the building or monument.

~~In cities having a population of more than one hundred thousand, the city council may establish, by ordinance, the number of commission members at not less than five.~~

The commissioners having the management and control of a memorial hospital shall, within ten days after their appointment, qualify by taking the usual oath of office, but no bonds shall be required of them except as hereinafter provided. The commissioners shall organize by electing a chairperson, secretary, and treasurer. The secretary and treasurer shall each file with the chairperson of the commission a surety bond in such sum as the commission may require, with sureties approved by the commission, for the use and benefit of the memorial hospital. The reasonable costs of such bonds shall be paid from operating funds of the hospital. The secretary shall immediately report to the county auditor and county treasurer the names of the chairperson, secretary, and treasurer of the commission. The commission shall meet at least once each month. ~~Three members of a five member commission and five members of a seven member~~ A majority of the commission members shall constitute a quorum for the transaction of business. The secretary shall keep a complete record of its proceedings.

Approved March 23, 2007

CHAPTER 22**NONSUBSTANTIVE CODE CORRECTIONS***S.F. 272*

AN ACT relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 6B.14, unnumbered paragraph 2, Code 2007, is amended to read as follows:

Prior to the meeting of the commission, the commission or a commissioner shall not communicate with the applicant, property owner, or tenant, or their agents, regarding the condemnation proceedings. The commissioners shall meet in open session to view the property and to receive evidence, but may deliberate in closed session. When deliberating in closed session, the meeting is closed to all persons who are not commissioners except for personnel from the

sheriff's office if such personnel is requested by the commission. After deliberations commence, the commission and each commissioner is prohibited from communicating with any party to the proceeding. However, if the commission is deliberating in closed session, and after deliberations commence the commission requires further information from a party or a witness, the commission shall notify the property owner and the acquiring agency that they are allowed to attend the meeting at which such additional information shall be provided but only for that period of time during which the additional information is being provided. The property owner and the acquiring agency shall be given a reasonable opportunity to attend the meeting. The commission shall keep minutes of all its meetings showing the date, time, and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

Sec. 2. Section 8.6, subsection 15, unnumbered paragraph 1, Code 2007, is amended to read as follows:

~~Designate~~ ~~To designate~~ a position within the department to serve as the executive branch's risk management coordinator. The risk management coordinator shall have all of the following responsibilities:

Sec. 3. Section 8A.415, subsection 2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A merit system employee, except an employee covered by a collective bargaining agreement, who is discharged, suspended, demoted, or otherwise ~~reduced~~ receives a reduction in pay, except during the employee's probationary period, may bypass steps one and two of the grievance procedure and appeal the disciplinary action to the director within seven calendar days following the effective date of the action. The director shall respond within thirty calendar days following receipt of the appeal.

Sec. 4. Section 11.36, Code 2007, is amended to read as follows:

11.36 REVIEW OF ENTITIES RECEIVING PUBLIC MONEYS.

1. The auditor of state may, at the request of a department, review, during normal business hours upon reasonable notice of at least twenty-four hours, the audit working papers prepared by a certified public accountant covering the receipt and expenditure of state or federal funds provided by the department to any other entity to determine if the receipt and expenditure of those funds by the entity is consistent with the laws, rules, regulations, and contractual agreements governing those funds. Upon completion of the review, the auditor of state shall report whether, in the auditor of state's judgment, the auditor of state believes the certified public accountant's working papers adequately demonstrate that the laws, rules, regulations, and contractual agreements governing the funds have been substantially complied with. If the auditor of state does not believe the certified public accountant's working papers adequately demonstrate that the laws, rules, regulations, and contractual agreements have been substantially complied with or believes a complete or partial reaudit is necessary based on the provisions of section 11.6, subsection 4, paragraph "a" or "b", the auditor of state shall notify the certified public accountant and the department of the actions the auditor of state believes are necessary to determine ~~that whether~~ the entity is in substantial compliance with those laws, rules, regulations, and contractual agreements. The auditor of state may assist departments with actions to determine ~~that whether~~ the entity is in substantial compliance. Departments requesting the review shall reimburse the auditor of state for the cost of the review and any subsequent assistance provided by the auditor of state.

2. The auditor of state may, at the request of a department, review the records covering the receipt and expenditure of state or federal funds provided by the department to any other entity which has not been audited by a certified public accountant to determine if the receipt and expenditure of those funds by the entity is consistent with the laws, rules, regulations, and contractual agreements governing those funds. Upon completion of the review, the auditor of

state shall report whether, in the auditor of state's judgment, the auditor of state believes the entity adequately demonstrated that the laws, rules, regulations, and contractual agreements governing the funds have been substantially complied with. If the auditor of state does not believe the entity adequately demonstrated that the laws, rules, regulations, and contractual agreements have been substantially complied with, the auditor of state shall notify the department of the actions the auditor of state believes are necessary to determine ~~that whether~~ the entity is in substantial compliance with those laws, rules, regulations, and contractual agreements. The auditor of state may assist a department with actions to determine ~~that whether~~ the entity is in substantial compliance. Departments requesting the review shall reimburse the auditor of state for the cost of the review and any subsequent assistance provided by the auditor of state.

3. When, in the auditor of state's judgment, the auditor of state finds that sufficient information is available to demonstrate that an entity receiving state or federal funds from a department may not have substantially complied with the laws, rules, regulations, and contractual agreements governing those funds, the auditor of state shall notify the department providing those funds to the entity of the auditor of state's finding. The department shall cooperate with the auditor of state to establish actions to be taken to determine whether substantial compliance with those laws, rules, regulations, and contractual agreements has been achieved by the entity receiving the state or federal funds from the department. Departments providing the state or federal funds shall reimburse the auditor of state for any actions taken by the auditor of state to determine whether the entity has substantially complied with the laws, rules, regulations, and contractual agreements governing the funds provided by the department for costs expended after the date the auditor of state notifies the department of an issue involving substantial compliance pursuant to the requirements of this subsection.

Sec. 5. Section 12.76, Code 2007, is amended to read as follows:

12.76 LIMITATIONS.

Bonds or notes issued pursuant to section 12.71 are not debts of the state, or of any political subdivision of the state, and do not constitute a pledge of the faith and credit of the state or a charge against the general credit or general fund of the state. The issuance of any bonds or notes pursuant to section 12.71 by the treasurer of state does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply moneys from, or to levy or pledge any form of taxation whatever, to, the payment of the bonds or notes. Bonds and notes issued under section 12.71 are payable solely and only from the sources and special fund provided in section 12.72.

Sec. 6. Section 12.91, subsection 16, Code 2007, is amended to read as follows:

16. Bonds issued pursuant to this section are not debts of the state, or of any political subdivision of the state, and do not constitute a pledge of the faith and credit of the state or a charge against the general credit or general fund of the state. The issuance of any bonds pursuant to this section by the treasurer of state does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply moneys from, or to levy or pledge any form of taxation whatever, to, the payment of the bonds. Bonds issued under this section are payable solely and only from the sources and special fund provided in this section.

Sec. 7. Section 13B.4, subsection 4, paragraph d, subparagraph (8), Code 2007, is amended to read as follows:

(8) Any ~~If the state public defender is not first notified and given an opportunity to be heard,~~ any court order entered after the state public defender has taken action on a claim, which affects that claim, ~~without first notifying the state public defender and permitting the state public defender an opportunity to be heard,~~ is void.

Sec. 8. Section 15.318, subsection 16, Code 2007, is amended to read as follows:

16. In cases where projects being reviewed at the same time are given equivalent ratings under subsections 1 through 15, preference in funding shall be given to the project which is locat-

ed in the county which has the highest percentage of low- ~~low-income~~ and moderate-income individuals. If the projects are located in the same county, preference in funding shall be given to the project which is located in the city which has the highest percentage of low- ~~low-income~~ and moderate-income individuals.

Sec. 9. Section 15I.3, subsection 1, Code 2007, is amended to read as follows:

1. In order for a ~~wage-benefit~~ ~~wage-benefits~~ tax credit to be claimed, the business shall submit an application to the department along with information on the qualified new job or retained qualified new job and any other information required. Applications for approval of the tax credit shall be on forms approved by the department. Within forty-five days of receipt of the application, the department shall either approve or disapprove the application. After the forty-five-day limit, the application is deemed approved.

Sec. 10. Section 16.2, Code 2007, is amended to read as follows:

16.2 ESTABLISHMENT OF AUTHORITY — TITLE GUARANTY DIVISION.

1. The Iowa finance authority is established, and constituted a public instrumentality and agency of the state exercising public and essential governmental functions, to undertake programs which assist in attainment of adequate housing for low or moderate income families, elderly families, and families which include one or more persons with disabilities, and to undertake the Iowa homesteading program, the small business loan program, the export business finance program, and other finance programs. The powers of the authority are vested in and shall be exercised by a board of nine members appointed by the governor subject to confirmation by the senate. No more than five members shall belong to the same political party. As far as possible, the governor shall include within the membership persons who represent community and housing development industries, housing finance industries, the real estate sales industry, elderly families, minorities, lower income families, very low income families, families which include persons with disabilities, average taxpayers, local government, business and international trade interests, and any other person specially interested in community housing, finance, small business, or export business development.

2. A title guaranty division is created within the authority. The powers of the division relating to the issuance of title guaranties are vested in and shall be exercised by a division board of five members appointed by the governor subject to confirmation by the senate. The membership of the board shall include an attorney, an abstractor, a real estate broker, a representative of a mortgage-lender, and a representative of the housing development industry. The executive director of the authority shall appoint an attorney as director of the title guaranty division who shall serve as an ex officio member of the board. The appointment of and compensation for the division director are exempt from the merit system provisions of chapter 8A, subchapter IV.

a. Members of the board of the division shall be appointed by the governor for staggered terms of six years beginning and ending as provided in section 69.19. A person shall not serve on the division board while serving on the authority board. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term. A member is eligible for reappointment. A member of the division board may be removed from office by the governor for misfeasance, malfeasance, or willful neglect of duty or for other just cause, after notice and hearing, unless notice and hearing is expressly waived in writing.

b. Three members of the board shall constitute a quorum. An affirmative vote of a majority of the appointed members is necessary for any substantive action taken by the division.

c. Members of the board are entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as members and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as members.

d. Members of the board and the director shall give bond as required for public officers in chapter 64.

e. Meetings of the board shall be held at the call of the chair of the board or on written request of two members.

f. Members shall elect a chair and vice chair annually and other officers as they determine. The director shall serve as secretary to the board.

g. The net earnings of the division, beyond that necessary for reserves, backing, guaranties issued or to otherwise implement the public purposes and programs authorized, shall not inure to the benefit of any person other than the state and are subject to subsection 8 9.

2. ~~3.~~ Members of the authority shall be appointed by the governor for staggered terms of six years beginning and ending as provided in section 69.19. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term. A member is eligible for reappointment. A member of the authority may be removed from office by the governor for misfeasance, malfeasance, or willful neglect of duty or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing.

3. ~~4.~~ Five members of the authority constitute a quorum and the affirmative vote of a majority of the appointed members is necessary for any substantive action taken by the authority. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the authority.

4. ~~5.~~ Members of the authority are entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as members, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as members.

5. ~~6.~~ Members of the authority and the executive director shall give bond as required for public officers in chapter 64.

6. ~~7.~~ Meetings of the authority shall be held at the call of the chairperson or whenever two members so request.

7. ~~8.~~ Members shall elect a chairperson and vice chairperson annually, and other officers as they determine, but the executive director shall serve as secretary to the authority.

8. ~~9.~~ The net earnings of the authority, beyond that necessary for retirement of its notes, bonds or other obligations, or to implement the public purposes and programs herein authorized, shall not inure to the benefit of any person other than the state. Upon termination of the existence of the authority, title to all property owned by the authority, including any such net earnings of the authority, shall vest in the state. The state reserves the right at any time to alter, amend, repeal, or otherwise change the structure, organization, programs, or activities of the authority, including the power to terminate the authority, except that no law shall ever be passed impairing the obligation of any contract or contracts entered into by the authority to the extent that any such law would contravene Article I, section 21, of the Constitution of the State of Iowa or Article I, section 10, of the Constitution of the United States.

Sec. 11. Section 21.8, subsection 1, paragraph c, Code 2007, is amended to read as follows:

c. Minutes are kept of the meeting. The minutes shall include a statement explaining why a meeting in person was impossible or impractical.

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Sec. 12. Section 29A.101A, subsection 5, Code 2007, is amended to read as follows:

5. Rents or lease amounts unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. In the case of a vehicle lease, the lessor ~~may~~ shall not impose an early termination charge, but any taxes, summonses, and title and registration fees and any other obligation and liability of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, use, and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

Sec. 13. Section 29B.18, subsection 1, Code 2007, is amended to read as follows:

1. a. Subject to section 29B.16, special courts-martial have jurisdiction to try persons subject to this code for any offense for which they may have been punished under this code and

may, under such limitations as the adjutant general may impose by rule, adjudge any one or a combination of the following punishments:

- a. (1) A fine not exceeding one hundred dollars.
- b. (2) Forfeiture of pay and allowances not exceeding one thousand dollars.
- c. (3) A reprimand.
- d. (4) Dismissal or dishonorable discharge.
- e. (5) Reduction of a noncommissioned officer to the ranks.
- b. A special courts-martial shall not try a commissioned officer.

Sec. 14. Section 36.3, subsection 3 and unnumbered paragraph 2, Code 2007, are amended to read as follows:

3. Conduct epidemiological investigations of veterans who have cancer or other medical problems or who have children born with birth defects associated with exposure to chemicals, in consultation and cooperation with a certified medical toxicologist selected by the department. The department shall obtain consent from a veteran before conducting the investigations. The department shall cooperate with local and state agencies during the course of an investigation.

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Sec. 15. Section 68B.37, subsections 1 and 2, Code 2007, are amended to read as follows:

1. A lobbyist before the general assembly shall file with the general assembly, on forms prescribed by each house of the general assembly, a report disclosing all of the following:

- a. The lobbyist's clients before the general assembly.
- b. Contributions made to candidates for state office by the lobbyist during calendar months during the reporting period when the general assembly is not in session.
- c. The recipient of the campaign contributions.
- d. Expenditures made by the lobbyist for the purposes of providing the services enumerated under section 68B.2, subsection 13, paragraph "a", before the general assembly. For purposes of this paragraph, "expenditures" does not include expenditures made by any organization for publishing a newsletter or other informational release for its members.

~~For purposes of this subsection, "expenditures" does not include expenditures made by any organization for publishing a newsletter or other informational release for its members.~~

2. A lobbyist before a state agency or the office of the governor shall file with the board, on forms prescribed by the board, a report disclosing all of the following:

- a. The lobbyist's clients before the executive branch.
- b. Contributions made to candidates for state office by the lobbyist during calendar months during the reporting period when the general assembly is not in session.
- c. The recipient of the campaign contributions.
- d. Expenditures made by the lobbyist for the purposes of providing the services enumerated under section 68B.2, subsection 13, paragraph "a", before the executive branch. For purposes of this paragraph, "expenditures" does not include expenditures made by any organization for publishing a newsletter or other informational release for its members.

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Sec. 16. Section 69.15, Code 2007, is amended to read as follows:

69.15 BOARD MEMBERS — NONATTENDANCE — VACANCY.

1. Any person who has been appointed by the governor to any board under the laws of this state shall be deemed to have submitted a resignation from such office if either of the following events occurs:

- 1. a. The person does not attend three or more consecutive regular meetings of such board. This paragraph does not apply unless the first and last of the consecutive meetings counted for this purpose are at least thirty days apart.

2. ~~b.~~ The person attends less than one-half of the regular meetings of such board within any period of twelve calendar months beginning on July 1 or January 1. This paragraph does not apply unless such board holds at least four regular meetings during such period. This paragraph applies only to such a period beginning on or after the date when the person takes office as a member of such board.

2. If such person received no notice and had no knowledge of a regular meeting and gives the governor a sworn statement to that effect within ten days after the person learns of the meeting, such meeting shall not be counted for the purposes of this section.

3. The governor in the governor's discretion may accept or reject such resignation. If the governor accepts it, the governor shall notify such person, in writing, that the resignation is accepted pursuant to this section. The governor shall then make another appointment to such office. Such appointment shall be made in the same manner and for the same term as in the case of other vacancies caused by resignation from such office.

4. As used in this section, "board" includes any commission, committee, agency, or governmental body which has three or more members.

Sec. 17. Section 72.5, subsection 2, Code 2007, is amended to read as follows:

2. The director of the department of natural resources in consultation with the department of management, state building code commissioner, and state fire marshal, shall develop standards and methods to evaluate design development documents and construction documents based upon life cycle cost factors, to facilitate fair and uniform comparisons between design proposals and informed decision making by public bodies.

Sec. 18. Section 80B.11, Code 2007, is amended to read as follows:

80B.11 RULES.

1. The director of the academy, subject to the approval of the council, shall promulgate rules in accordance with the provisions of this chapter and chapter 17A, giving due consideration to varying factors and special requirements of law enforcement agencies relative to the following:

1. ~~a.~~ Minimum entrance requirements, course of study, attendance requirements, and equipment and facilities required at approved law enforcement training schools. Minimum age requirements for entrance to approved law enforcement training schools shall be eighteen years of age. Minimum course of study requirements shall include a separate domestic abuse curriculum, which may include, but is not limited to, outside speakers from domestic abuse shelters and crime victim assistance organizations. Minimum course of study requirements shall also include a sexual assault curriculum.

2. ~~b.~~ Minimum basic training requirements law enforcement officers employed after July 1, 1968, must complete in order to remain eligible for continued employment and the time within which such basic training must be completed. Minimum requirements shall mandate training devoted to the topic of domestic abuse and sexual assault. The council shall submit an annual report to the general assembly by January 15 of each year relating to the continuing education requirements devoted to the topic of domestic abuse, including the number of hours required, the substance of the classes offered, and other related matters.

3. ~~c. (1)~~ Categories or classifications of advanced in-service training program and minimum courses of study and attendance requirements for such categories or classifications.

(2) In-service training under this subsection paragraph "c" shall include the requirement that by December 31, 1994, all law enforcement officers complete a course on investigation, identification, and reporting of public offenses based on the race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability of the victim. The director shall consult with the civil rights commission, the department of public safety, and the prosecuting attorneys training coordinator in developing the requirements for this course and may contract with outside providers for this course.

4. ~~d.~~ Within the existing curriculum, expanded training regarding racial and cultural awareness and dealing with gang-affected youth.

5. ~~e.~~ Training standards on the subject of human trafficking, to include curricula on cultural sensitivity and the means to deal effectively and appropriately with trafficking victims. Such training shall encourage law enforcement personnel to communicate in the language of the trafficking victims. The course of instruction and training standards shall be developed by the director in consultation with the appropriate national and state experts in the field of human trafficking.

6. ~~f.~~ Minimum standards of physical, educational, and moral fitness which shall govern the recruitment, selection, and appointment of law enforcement officers.

7. ~~g.~~ Minimum standards of mental fitness which shall govern the initial recruitment, selection, and appointment of law enforcement officers. The rules shall include, but are not limited to, providing a battery of psychological tests to determine cognitive skills, personality characteristics, and suitability of an applicant for a law enforcement career. However, this battery of tests need only be given to applicants being considered in the final selection process for a law enforcement position. Notwithstanding any provision of chapter 400, an applicant shall not be hired if the employer determines from the tests that the applicant does not possess sufficient cognitive skills, personality characteristics, or suitability for a law enforcement career. The director of the academy shall provide for the cognitive and psychological examinations and their administration to the law enforcement agencies or applicants, and shall identify and procure persons who can be hired to interpret the examinations.

8. ~~h.~~ Grounds for revocation or suspension of a law enforcement officer's certification.

9. ~~i.~~ Exemptions from particular provisions of this chapter in case of any state, county, or city, if, in the opinion of the council, the standards of law enforcement training established and maintained by the governmental agency are as high or higher than those established pursuant to this chapter; or revocation in whole or in part of such exemption, if in its opinion the standards of law enforcement training established and maintained by the governmental agency are lower than those established pursuant to this chapter.

10. ~~j.~~ Minimum qualifications for instructors in telecommunicator training schools.

11. ~~k.~~ Minimum qualifications for instructors in law enforcement and jailer training schools.

12. ~~l.~~ Certification through examination for individuals who have successfully completed the federal bureau of investigation national academy, have corrected Snellen vision in both eyes of 20/20 or better, and were employed on or before January 1, 1996, as chief of police of a city in this state with a population of twenty thousand or more.

2. A certified course of instruction provided for under this section which occurs at a location other than at the central training facility of the Iowa law enforcement academy shall not be eliminated by the Iowa law enforcement academy.

Sec. 19. Section 80B.13, subsection 8, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Revoke a law enforcement officer's certification for the conviction of a felony or revoke or suspend a law enforcement officer's certification for a violation of rules adopted pursuant to section 80B.11, subsection 8 ~~1. paragraph "h"~~. In addition the council may consider revocation or suspension proceedings when an employing agency recommends to the council that revocation or suspension would be appropriate with regard to a current or former employee. If a law enforcement officer resigns, the employing agency shall notify the council that an officer has resigned and state the reason for the resignation if a substantial likelihood exists that the reason would result in the revocation or suspension of an officer's certification for a violation of the rules.

Sec. 20. Section 85.27, subsection 3, Code 2007, is amended to read as follows:

3. Notwithstanding section 85.26, subsection 4, charges believed to be excessive or unnecessary may be referred by the employer, insurance carrier, or health service provider to the workers' compensation commissioner for determination, and the commissioner may utilize the procedures provided in sections 86.38 and 86.39, or set by rule, and conduct such inquiry

as the commissioner deems necessary. Any health service provider charges not in dispute shall be paid directly to the health service provider prior to utilization of procedures provided in sections 86.38 and 86.39 or set by rule. A health service provider rendering treatment to an employee whose injury is compensable under this section agrees to be bound by such charges as allowed by the workers' compensation commissioner and shall not recover in law or equity any amount in excess of charges set by the commissioner. When a dispute under this chapter, chapter 85, 85A, or chapter 85B regarding reasonableness of a fee for medical services arises between a health service provider and an employer or insurance carrier, the health service provider, employer, or insurance carrier shall not seek payment from the injured employee.

Sec. 21. Section 85.61, subsections 11, 12, and 13, Code 2007, are amended to read as follows:

11. a. "Worker" or "employee" means a person who has entered into the employment of, or works under contract of service, express or implied, or apprenticeship, for an employer; an executive officer elected or appointed and empowered under and in accordance with the charter and bylaws of a corporation, including a person holding an official position, or standing in a representative capacity of the employer; an official elected or appointed by the state, or a county, school district, area education agency, municipal corporation, or city under any form of government; a member of the state patrol; a conservation officer; and a proprietor, limited liability company member, limited liability partner, or partner who elects to be covered pursuant to section 85.1A, except as specified in this chapter.

b. "Worker" or "employee" includes an inmate as defined in section 85.59 and a person described in section 85.60.

c. "Worker" or "employee" includes an emergency medical care provider as defined in section 147A.1, a volunteer emergency rescue technician as defined in section 147A.1, a volunteer ambulance driver, or an emergency medical technician trainee, only if an agreement is reached between such worker or employee and the employer for whom the volunteer services are provided that workers' compensation coverage under this chapter and chapters 85, 85A, and 85B is to be provided by the employer. An emergency medical care provider or volunteer emergency rescue technician who is a worker or employee under this paragraph is not a casual employee. "Volunteer ambulance driver" means a person performing services as a volunteer ambulance driver at the request of the person in charge of a fire department or ambulance service of a municipality. "Emergency medical technician trainee" means a person enrolled in and training for emergency medical technician certification.

d. "Worker" or "employee" includes a real estate agent who does not provide the services of an independent contractor. For the purposes of this paragraph "d", a real estate agent is an independent contractor if the real estate agent is licensed by the Iowa real estate commission as a salesperson and both of the following apply:

a. (1) Seventy-five percent or more of the remuneration, whether or not paid in cash, for the services performed by the individual as a real estate salesperson is derived from one company and is directly related to sales or other output, including the performance of services, rather than to the number of hours worked.

b. (2) The services performed by the individual are performed pursuant to a written contract between the individual and the person for whom the services are performed, and the contract provides that the individual will not be treated as an employee with respect to the services for state tax purposes.

e. "Worker" or "employee" includes a student enrolled in a public school corporation or accredited nonpublic school who is participating in a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f". "Worker" or "employee" also includes a student enrolled in a community college as defined in section 260C.2, who is participating in a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f", and that is offered by the community college pursuant to a contractual agreement with a school corporation or accredited nonpublic school to provide the program.

12. f. The term "worker" or "employee" shall include the singular and plural. Any reference

to a worker or employee who has been injured shall, when such worker or employee is dead, include the worker's or employee's dependents as herein defined or the worker's or employee's legal representatives; and where the worker or employee is a minor or incompetent, it shall include the minor's or incompetent's guardian, next friend, or trustee. Notwithstanding any law prohibiting the employment of minors, all minor employees shall be entitled to the benefits of this chapter and chapters 86 and 87 regardless of the age of such minor employee.

~~13. g.~~ The following persons shall not be deemed "workers" or "employees":

a. ~~(1)~~ A person whose employment is purely casual and not for the purpose of the employer's trade or business except as otherwise provided in section 85.1.

b. ~~(2)~~ An independent contractor.

c. ~~(3)~~ An owner-operator who, as an individual or partner, or shareholder of a corporate owner-operator, owns a vehicle licensed and registered as a truck, road tractor, or truck tractor by a governmental agency, is an independent contractor while performing services in the operation of the owner-operator's vehicle if all of the following conditions are substantially present:

(1) ~~(a)~~ The owner-operator is responsible for the maintenance of the vehicle.

(2) ~~(b)~~ The owner-operator bears the principal burden of the vehicle's operating costs, including fuel, repairs, supplies, collision insurance, and personal expenses for the operator while on the road.

(3) ~~(c)~~ The owner-operator is responsible for supplying the necessary personnel to operate the vehicle, and the personnel are considered the owner-operator's employees.

(4) ~~(d)~~ The owner-operator's compensation is based on factors related to the work performed, including a percentage of any schedule of rates or lawfully published tariff, and not on the basis of the hours or time expended.

(5) ~~(e)~~ The owner-operator determines the details and means of performing the services, in conformance with regulatory requirements, operating procedures of the carrier, and specifications of the shipper.

(6) ~~(f)~~ The owner-operator enters into a contract which specifies the relationship to be that of an independent contractor and not that of an employee.

~~d.~~ (4) Directors of a corporation who are not at the same time employees of the corporation; or directors, trustees, officers, or other managing officials of a nonprofit corporation or association who are not at the same time full-time employees of the nonprofit corporation or association.

e. (5) Proprietors, limited liability company members, limited liability partners, and partners who have not elected to be covered by the workers' compensation law of this state pursuant to section 85.1A.

Sec. 22. Section 87.1, unnumbered paragraph 2, Code 2007, is amended to read as follows:

A motor carrier who contracts with an owner-operator who is acting as an independent contractor pursuant to section 85.61, subsection 13 11, paragraph "g", shall not be required to insure the motor carrier's liability for the owner-operator. A motor carrier may procure compensation liability insurance coverage for these owner-operators, and may charge the owner-operator for the costs of the premiums. A motor carrier shall require the owner-operator to provide and maintain a certificate of workers' compensation insurance covering the owner-operator's employees. An owner-operator shall remain responsible for providing compensation liability insurance for the owner-operator's employees.

Sec. 23. Section 87.23, Code 2007, is amended to read as follows:

87.23 COMPENSATION LIABILITY INSURANCE NOT REQUIRED.

A corporation, association, or organization approved by the commissioner of insurance to provide compensation liability insurance shall not require a motor carrier that contracts with an owner-operator who is acting as an independent contractor pursuant to section 85.61, subsection 13 11, paragraph "g", to purchase compensation liability insurance for the employer's liability for the owner-operator or its employees.

Sec. 24. Section 91.16, subsection 1, Code 2007, is amended to read as follows:

1. Any owner, superintendent, manager, or person in charge of any factory, mill, workshop, store, mine, hotel, restaurant, cafe, railway, business house, public or private work, who shall refuse to allow the labor commissioner of labor or any inspector or employee of the division of labor services to enter the same, or who shall hinder or deter the commissioner, inspector, or employee in collecting information which it is that person's duty to collect shall be guilty of a simple misdemeanor.

Sec. 25. Section 91E.1, subsection 1, Code 2007, is amended to read as follows:

1. "Commissioner" means the ~~commissioner of the division of labor services of the department of workforce development~~ labor commissioner, appointed pursuant to section 91.2.

Sec. 26. Section 96.5, subsection 3, paragraph a, Code 2007, is amended to read as follows:

a. (1) In determining whether or not any work is suitable for an individual, the department shall consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, prior training, length of unemployment, and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and any other factor which the department finds bears a reasonable relation to the purposes of this paragraph. Work is suitable if the work meets all the other criteria of this paragraph and if the gross weekly wages for the work equal or exceed the following percentages of the individual's average weekly wage for insured work paid to the individual during that quarter of the individual's base period in which the individual's wages were highest:

(1) ~~(a)~~ One hundred percent, if the work is offered during the first five weeks of unemployment.

(2) ~~(b)~~ Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.

(3) ~~(c)~~ Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.

(4) ~~(d)~~ Sixty-five percent, if the work is offered after the eighteenth week of unemployment.

(2) However, the provisions of this paragraph shall not require an individual to accept employment below the federal minimum wage.

Sec. 27. Section 96.5, subsections 4 and 5, Code 2007, are amended to read as follows:

4. LABOR DISPUTES.

a. For any week with respect to which the department finds that the individual's total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which the individual is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the department that:

a. (1) The individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

b. (2) The individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute.

b. Provided, that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises.

5. OTHER COMPENSATION.

a. For any week with respect to which the individual is receiving or has received payment in the form of any of the following:

a. (1) Wages in lieu of notice, separation allowance, severance pay, or dismissal pay.

b. (2) Compensation for temporary disability under the workers' compensation law of any state or under a similar law of the United States.

e. (3) A governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment made under a plan maintained or contributed to by a base period or chargeable employer where, except for benefits under the federal Social Security Act or the federal Railroad Retirement Act of 1974 or the corresponding provisions of prior law, the plan's eligibility requirements or benefit payments are affected by the base period employment or the remuneration for the base period employment. However, if an individual's benefits are reduced due to the receipt of a payment under this paragraph,¹ the reduction shall be decreased by the same percentage as the percentage contribution of the individual to the plan under which the payment is made.

b. Provided, that if the remuneration is less than the benefits which would otherwise be due under this chapter, the individual is entitled to receive for the week, if otherwise eligible, benefits reduced by the amount of the remuneration. Provided further, if benefits were paid for any week under this chapter for a period when benefits, remuneration or compensation under paragraph "a", "b", or "c" subparagraph (1), (2), or (3), were paid on a retroactive basis for the same period, or any part thereof, the department shall recover the excess amount of benefits paid by the department for the period, and no employer's account shall be charged with benefits so paid. However, compensation for service-connected disabilities or compensation for accrued leave based on military service by the beneficiary with the armed forces of the United States, irrespective of the amount of the benefit, does not disqualify any individual otherwise qualified from any of the benefits contemplated herein. A deduction shall not be made from the amount of benefits payable for a week for individuals receiving federal social security pensions to take into account the individuals' contributions to the pension program.

Sec. 28. Section 96.14, subsection 2, Code 2007, is amended to read as follows:

2. PENALTIES. Any employer who shall fail to file a report of wages paid to each of the employer's employees for any period in the manner and within the time required by this chapter and the rules of the department or any employer who the department finds has filed an insufficient report and fails to file a sufficient report within thirty days after a written request from the department to do so shall pay a penalty to the department.

a. The penalty shall become effective with the first day the report is delinquent or, where a report is insufficient, with the thirty-first day following the written request for a sufficient report.

b. ~~Penalty~~ The penalty for failing to file a sufficient report shall be in addition to any penalty incurred for a delinquent report where the delinquent report is also insufficient.

c. The amount of the penalty for delinquent and insufficient reports shall be computed based on total wages in the period for which the report was due and shall be computed as follows:

Days Delinquent or Insufficient	Penalty Rate
1-60	0.1%
61-120	0.2%
121-180	0.3%
181-240	0.4%
241 or over	0.5%

d. A penalty shall not be less than ten dollars for the first delinquent report or the first insufficient report not made sufficient within thirty days after a request to do so. The penalty shall not be less than twenty-five dollars for the second delinquent or insufficient report, and not less than fifty dollars for each delinquent or insufficient report thereafter, until four consecutive calendar quarters of reports are timely and sufficiently filed. Interest, penalties, and cost shall be collected by the department in the same manner as provided by this chapter for contributions.

e. If the department finds that any employer has willfully failed to pay any contribution or

¹ See chapter 215, §245 herein

part thereof when required by this chapter and the rules of the department, with intent to defraud the department, then such employer shall in addition to such contribution or part thereof, pay a contribution equal to fifty percent of the amount of such contribution or part thereof, as the case may be.

f. The department may cancel any interest or penalties if it is shown to the satisfaction of the department that the failure to pay a required contribution or to file a required report was not the result of negligence, fraud, or intentional disregard of the law or the rules of the department.

Sec. 29. Section 96.17, subsection 3, Code 2007, is amended to read as follows:

3. INDEMNIFICATION. Any member of the department or any employee of the department shall be indemnified for any damages and legal expenses incurred as a result of the good faith performance of their official duties, for any claim for civil damages not specifically covered by the Iowa ~~Tort Claims~~ tort claims Act, ~~chapter 669~~. Any payment described herein shall be paid from the special employment security contingency fund in section 96.13, subsection 3.

Sec. 30. Section 97.52, Code 2007, is amended to read as follows:

97.52 ADMINISTRATION AGREEMENTS.

The Iowa public employees' retirement system created in section 97B.1 may enter into agreements whereby services performed by the system and its employees under this chapter and chapters 97, 97B, and 97C shall be equitably apportioned among the funds provided for the administration of those chapters. The money spent for personnel, rentals, supplies, and equipment used by the system in administering the chapters shall be equitably apportioned and charged against the funds.

Sec. 31. Section 97C.19, Code 2007, is amended to read as follows:

97C.19 APPORTIONMENT OF EXPENSE.

The money spent for personnel, rentals, supplies, and equipment used by the state agency in administering this chapter and chapters 97, ~~and~~ 97B, ~~and~~ 97C shall be equitably apportioned and charged against the funds provided for the administration of this chapter and those chapters.

Sec. 32. Section 103A.10, subsection 2, paragraph c, Code 2007, is amended to read as follows:

c. To all newly constructed buildings and structures the construction of which is paid for in whole or in part with moneys appropriated by the state but which are not wholly owned by the state.

Sec. 33. Section 103A.10, subsection 3, Code 2007, is amended to read as follows:

3. Provisions of the state building code relating to the manufacture and installation of factory-built structures shall apply throughout the state. ~~Factory-built structures~~ A factory-built structure approved by the commissioner shall be deemed to comply with all building regulations applicable to its manufacture and installation and shall be exempt from any other state or local building regulations.

Sec. 34. Section 103A.10A, subsection 3, Code 2007, is amended to read as follows:

3. All newly constructed buildings and structures the construction of which is paid for in whole or in part with moneys appropriated by the state but which are not wholly owned by the state are subject to the plan review and inspection requirements as provided in this subsection. If a governmental subdivision has adopted a building code, electrical code, mechanical code, and plumbing code and performs inspections pursuant to such codes, such buildings or structures shall be built to comply with such codes. However, if a governmental subdivision has not adopted a building code, electrical code, mechanical code, and plumbing code, or does not perform inspections pursuant to such codes, such buildings or structures shall be built to com-

ply with the state building code and shall be subject to a plan review and inspection by the commissioner or an independent building inspector appointed by the commissioner. A fee shall be assessed for the cost of plan review and the cost of inspection.

Sec. 35. Section 123.37, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The power to establish licenses and permits and levy taxes as imposed in this chapter ~~123~~ is vested exclusively with the state. Unless specifically provided, a local authority shall not require the obtaining of a special license or permit for the sale of alcoholic beverages, wine, or beer at any establishment, or require the obtaining of a license by any person as a condition precedent to the person's employment in the sale, serving, or handling of alcoholic beverages, wine, or beer, within an establishment operating under a license or permit.

Sec. 36. Section 123.186, subsection 2, Code 2007, is amended to read as follows:

2. The division shall adopt as rules the substance of 27 C.F.R. § 6.88, to permit a manufacturer of alcoholic beverages, wine, or beer, or an agent of such manufacturer, to provide to a retailer without charge wine and beer coil cleaning services, including carbon dioxide filters and other necessary accessories to properly clean the coil and affix carbon dioxide filters. The rules shall provide that the manufacturer shall be responsible for paying the costs of any filters provided.

Sec. 37. Section 152.7, Code 2007, is amended to read as follows:

152.7 APPLICANT QUALIFICATIONS.

1. In addition to the provisions of section 147.3, an applicant to be licensed for the practice of nursing shall have the following qualifications:

1. a. Be a graduate of an accredited high school or the equivalent.

2. b. Pass an examination as prescribed by the board.

3. c. Complete a course of study approved by the board pursuant to section 152.5.

2. For purposes of licensure pursuant to the nurse licensure compact contained in section 152E.1, the compact administrator may refuse to accept a change in the qualifications for licensure as a registered nurse or as a licensed practical or vocational nurse by a licensing authority in another state which is a party to the compact which substantially modifies that state's qualifications for licensure in effect on July 1, 2000. For purposes of licensure pursuant to the advanced practice registered nurse compact contained in section 152E.3, the compact administrator may refuse to accept a change in the qualifications for licensure as an advanced practice registered nurse by a licensing authority in another state which is a party to the compact which substantially modifies that state's qualifications for licensure in effect on July 1, 2005. A refusal to accept a change in a party state's qualifications for licensure may result in submitting the issue to an arbitration panel or in withdrawal from the respective compact, at the discretion of the compact administrator.

Sec. 38. Section 152E.3, article II, paragraph j, Code 2007, is amended to read as follows:

j. "Licensing board" means a party state's regulatory body responsible for ~~issuing~~ advanced practice registered nurse licensure or authority to practice.

Sec. 39. Section 153.39, subsection 3, Code 2007, is amended to read as follows:

3. ~~Individuals~~ A person employed as a dental assistant after July 1, 2005, shall have a twelve-month period following ~~their~~ the person's first date of employment after July 1, 2005, to comply with the provisions of subsection 1.

Sec. 40. Section 154B.6, Code 2007, is amended to read as follows:

154B.6 REQUIREMENTS FOR LICENSURE.

1. Except as provided in this section, an applicant for licensure as a psychologist shall meet the following requirements in addition to those specified in chapter 147:

1. a. Except as provided in this section, after July 1, 1985, a new applicant for licensure as a psychologist shall possess a doctoral degree in psychology from an institution approved by the board and shall have completed at least one year of supervised professional experience under the supervision of a licensed psychologist.

2. b. Have passed an examination administered by the board to assure the applicant's professional competence. The examination of any of its divisions may be given by the board at any time after the applicant has met the degree requirements of this section.

3. c. Have not failed the examination required in ~~subsection 2~~ paragraph "b" within sixty days preceding the date of the subsequent examination.

2. The examinations required in this section may, at the discretion of the board, be waived for holders by examination of licenses or certificates from states whose requirements are substantially equivalent to those of this chapter, and for holders by examination of specialty diplomas from the American board of professional psychology.

Sec. 41. Section 154E.4, Code 2007, is amended to read as follows:

154E.4 EXCEPTIONS.

1. A person shall not practice interpreting or transliterating, or represent ~~oneself to be~~ that the person is an interpreter, unless the person is licensed under this chapter.

2. This chapter does not prohibit any of the following:

a. Any person residing outside of the state of Iowa holding a current license from another state that meets the state of Iowa's requirements from providing interpreting or transliterating services in this state for up to fourteen days per calendar year without a license issued pursuant to this chapter.

b. Any person ~~who interprets or transliterates~~ from interpreting or transliterating solely in a religious setting with the exception of those working in schools that receive government funding.

c. Volunteers working without compensation, including emergency situations, until a licensed interpreter is obtained.

d. Any person working as a substitute for a licensed interpreter in an early childhood, elementary, or secondary education setting for no more than thirty school days in a calendar year.

e. Students enrolled in a school of interpreting ~~may interpret~~ from interpreting only under the direct supervision of a permanently licensed interpreter as part of the student's course of study.

Sec. 42. Section 155A.24, subsection 8, Code 2007, is amended to read as follows:

8. A wholesaler who knowingly forges, counterfeits, or falsely creates any pedigree, who falsely represents any factual matter contained in any pedigree, or who knowingly ~~omits~~ fails to record material information required to be recorded in a pedigree is guilty of a class "C" felony.

Sec. 43. Section 161A.4, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The soil conservation division is established within the department to perform the functions conferred upon it in this chapter and chapters ~~161A through~~ 161C, 161E, 161F, 207, and 208. The division shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the division for the administration of this chapter and chapters ~~161A through~~ 161C, 161E, 161F, 207, and 208 before the rules are adopted pursuant to section 17A.5. If a difference exists between the committee and secretary regarding the content of a proposed rule, the secretary shall notify the chairperson of the committee of the difference within thirty days from the committee's action on the rule. The secretary and the committee shall meet to resolve the difference within thirty days after the secretary provides the committee with notice of the difference.

Sec. 44. Section 165.18, subsection 1, paragraphs c and d, Code 2007, are amended to read as follows:

c. The expenses of the inspection and testing program provided in chapter 163A, but only to the extent that the moneys in the fund are not required for expenses incurred under chapter 164 or 165 this chapter.

d. Indemnities as provided in section 159.5, subsection 12, but only to the extent that the moneys in the fund are not required to pay expenses under chapter 163A, chapter 164, or 165 this chapter.

Sec. 45. Section 175.37, subsection 9, paragraph a, Code 2007, is amended to read as follows:

a. If the authority determines that the taxpayer is not at fault for the termination, the authority shall not issue a tax credit certificate to the taxpayer for a subsequent tax year based on the approved application. Any prior tax credit is allowed as provided in this section. The taxpayer may apply for and be issued another tax credit certificate for the same agricultural assets as provided in this section for any remaining tax years for which a certificate was not issued.

Sec. 46. Section 191.6, Code 2007, is amended to read as follows:

191.6 STANDARDS FOR OLEOMARGARINE.

The department may prescribe and establish standards for oleo, oleomargarine, or margarine manufactured or sold in this state and may adopt the standards set up by now existing regulations of the federal security administration or agency as found in 1949, Code of Federal Regulations, Title 21, Part 45, section 45.0, or any amendments thereto. Any standards so established shall not be contrary to or inconsistent with the provisions of section 190.1, subsection 6, entitled "~~Oleo, oleomargarine or margarine~~" "Oleomargarine".

Sec. 47. Section 203.1, subsection 10, paragraph j, subparagraph (2), Code 2007, is amended to read as follows:

(2) The purpose of the limited liability company is to produce renewable fuel as defined in section ~~159A.2~~ 214A.1.

Sec. 48. Section 203.5, Code 2007, is amended to read as follows:

203.5 LICENSE.

1. Upon the filing of the application and compliance with the terms and conditions of this chapter and rules of the department, the department shall issue a license to the applicant. The license shall terminate at the end of the third calendar month following the close of the grain dealer's fiscal year. A grain dealer's license may be renewed annually by the filing of a renewal fee and a renewal application on a form prescribed by the department. An application for renewal shall be received by the department on or before the end of the third calendar month following the close of the grain dealer's fiscal year. A grain dealer license which has terminated may be reinstated by the department upon receipt of a proper renewal application, the renewal fee, and the reinstatement fee as provided in section 203.6 if filed within thirty days from the date of termination of the grain dealer license. The department may cancel a license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter. Fees for licenses issued for less than a full year shall be prorated from the date of the application.

2. If an applicant has had a license under this chapter ~~203~~ or chapter 203C revoked for cause within the past three years, or has been convicted of a felony involving violations of this chapter 203 or chapter 203C, or is owned or controlled by a person who has had a license so revoked or who has been so convicted, the department may deny a license to the applicant.

3. The department may deny a license to an applicant if any of the following apply:

1. a. The applicant has caused liability to the Iowa grain depositors and sellers indemnity fund in regard to a license issued under this chapter or chapter 203C, and the liability has not been discharged, settled, or satisfied.

2. ~~b.~~ The applicant is owned or controlled by a person who has caused liability to the fund through operations under a license issued under this chapter or chapter 203C and the liability has not been discharged, settled, or satisfied.

Sec. 49. Section 203C.6, subsection 7, Code 2007, is amended to read as follows:

7. If an applicant has had a license under chapter 203 or ~~203C~~ this chapter revoked for cause within the past three years, or has been convicted of a felony involving violations of chapter 203 or ~~203C~~ this chapter, or is owned or controlled by a person who has had a license so revoked or who has been so convicted, the department may deny a license to the applicant.

Sec. 50. Section 214A.9, Code 2007, is amended to read as follows:

214A.9 POSTER SHOWING ANALYSIS.

Any retail dealer who sells or holds for sale motor fuel, as defined in section ~~214A.2~~ hereof ~~214A.1~~, may post upon any container or pump from which such motor fuel is being sold, a statement or notice in form to be prescribed by the department, showing the results of the tests of such motor fuel then being sold from such pumps or other containers.

Sec. 51. Section 216A.132, Code 2007, is amended to read as follows:

216A.132 COUNCIL ESTABLISHED — TERMS — COMPENSATION.

1. A criminal and juvenile justice planning advisory council is established consisting of twenty-two members.

a. The governor shall appoint seven members each for a four-year term beginning and ending as provided in section 69.19 and subject to confirmation by the senate as follows:

1. ~~(1)~~ Three persons, each of whom is a county supervisor, county sheriff, mayor, city chief of police, or county attorney.

2. ~~(2)~~ Two persons who represent the general public and are not employed in any law enforcement, judicial, or corrections capacity.

3. ~~(3)~~ Two persons who are knowledgeable about Iowa's juvenile justice system.

b. The departments of human services, corrections, and public safety, the division on the status of African-Americans, the Iowa department of public health, the chairperson of the board of parole, the attorney general, the state public defender, and the chief justice of the supreme court shall each designate a person to serve on the council. The person appointed by the Iowa department of public health shall be from the departmental staff who administer the comprehensive substance abuse program under chapter 125.

c. The chief justice of the supreme court shall appoint two additional members currently serving as district judges. Two members of the senate and two members of the house of representatives shall be ex officio members and shall be appointed by the majority and minority leaders of the senate and the speaker and minority leader of the house of representatives pursuant to section 69.16. Members appointed pursuant to this paragraph shall serve for four-year terms beginning and ending as provided in section 69.19 unless the member ceases to serve as a district court judge or as a member of the senate or of the house of representatives.

2. Members of the council shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. Members may also be eligible to receive compensation as provided in section 7E.6.

Sec. 52. Section 216B.3, subsection 16, paragraph b, subparagraph (1), unnumbered paragraph 1, Code 2007, is amended to read as follows:

A flexible fuel which is ~~either~~ any of the following:

Sec. 53. Section 229.19, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The district court in each county with a population of under three hundred thousand inhabitants and the board of supervisors in each county with a population of three hundred thousand or more inhabitants shall appoint an individual who has demonstrated by prior activities an

informed concern for the welfare and rehabilitation of persons with mental illness, and who is not an officer or employee of the department of human services nor of any agency or facility providing care or treatment to persons with mental illness, to act as an advocate representing the interests of patients involuntarily hospitalized by the court, in any matter relating to the patients' hospitalization or treatment under section 229.14 or 229.15. The court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from a patient's county of legal settlement to represent the interests of the patient. If a patient has no county of legal settlement, the court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from the county where the hospital or facility is located to represent the interests of the patient. The advocate's responsibility with respect to any patient shall begin at whatever time the attorney employed or appointed to represent that patient as respondent in hospitalization proceedings, conducted under sections 229.6 to 229.13, reports to the court that the attorney's services are no longer required and requests the court's approval to withdraw as counsel for that patient. However, if the patient is found to be seriously mentally impaired at the hospitalization hearing, the attorney representing the patient shall automatically be relieved of responsibility in the case and an advocate shall be assigned to the patient at the conclusion of the hearing unless the attorney indicates an intent to continue the attorney's services and the court so directs. If the court directs the attorney to remain on the case, the attorney shall assume all the duties of an advocate. The clerk shall furnish the advocate with a copy of the court's order approving the withdrawal and shall inform the patient of the name of the patient's advocate. With regard to each patient whose interests the advocate is required to represent pursuant to this section, the advocate's duties shall include all of the following:

Sec. 54. Section 229.19, subsection 1, paragraph c, Code 2007, is amended to read as follows:

c. To ~~make the advocate be~~ readily accessible to communications from the patient and to originate communications with the patient within five days of the patient's commitment.

Sec. 55. Section 235A.15, subsection 2, paragraph c, subparagraph (14), Code 2007, is amended to read as follows:

(14) A To a nursing program that is approved by the state board of nursing under section 152.5, if the data relates to a record check performed pursuant to section 152.5.

Sec. 56. Section 249A.12, subsection 8, Code 2007, is amended to read as follows:

8. If a person with mental retardation has no legal settlement or the legal settlement is unknown so that the person is deemed to be a state case and services associated with the mental retardation can be covered under a medical assistance home and community-based services waiver or other medical assistance program provision, the nonfederal share of the medical assistance program costs for such coverage shall be paid from the appropriation made for the medical assistance program.

Sec. 57. Section 252D.1, Code 2007, is amended to read as follows:

252D.1 DELINQUENT SUPPORT PAYMENTS.

If support payments ordered under this chapter or chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of a foreign jurisdiction, as certified to the child support recovery unit established in section 252B.2, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 and become delinquent in an amount equal to the payment for one month, the child support recovery unit may enter an ex parte order or, upon application of a person entitled to receive the support payments, the district court may enter an ex parte order, notifying the person whose income is to be withheld, of the delinquent amount, of the amount of income to be withheld, and of the procedure to file a motion to quash the order for income withholding, and ordering the withholding of specified sums to be deducted from the delinquent person's in-

come as defined in section 252D.16 sufficient to pay the support obligation and, except as provided in section 598.22, requiring the payment of such sums to the clerk of the district court or the collection services center. Beginning October 1, 1999, all income withholding payments shall be paid to the collection services center. Notification of income withholding shall be provided to the obligor and to the payor of income pursuant to section 252D.17.

Sec. 58. Section 256A.2, Code 2007, is amended to read as follows:

256A.2 CHILD DEVELOPMENT COORDINATING COUNCIL ESTABLISHED.

1. A child development coordinating council is established to promote the provision of child development services to at-risk ~~three-year~~ three-year-old and four-year-old children. The council shall consist of the following members:

1. a. The administrator of the division of child and family services of the department of human services or the administrator's designee.

2. b. The director of the department of education or the director's designee.

3. c. The director of human services or the director's designee.

4. d. The director of the department of public health or the director's designee.

5. e. An early childhood specialist of an area education agency selected by the area education agency administrators.

6. f. The dean of the college of family and consumer sciences at Iowa state university of science and technology or the dean's designee.

7. g. The dean of the college of education from the university of northern Iowa or the dean's designee.

8. h. The professor and head of the department of pediatrics at the university of Iowa or the professor's designee.

9. i. A resident of this state who is a parent of a child who is or has been served by a federal head start program.

2. Staff assistance for the council shall be provided by the department of education. Members of the council shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties and shall receive per diem compensation at the level authorized under section 7E.6, subsection 1, paragraph "a".

Sec. 59. Section 257.6, subsection 1, Code 2007, is amended to read as follows:

1. ACTUAL ENROLLMENT.

a. Actual enrollment is determined annually on October 1, or the first Monday in October if October 1 falls on a Saturday or Sunday, and includes all of the following:

a. (1) Resident pupils who were enrolled in public schools within the district in grades kindergarten through twelve and including prekindergarten pupils enrolled in special education programs.

b. (2) Full-time equivalent resident pupils of high school age for which the district pays tuition to attend an Iowa community college.

c. (3) Shared-time and part-time pupils of school age enrolled in public schools within the district, irrespective of the districts in which the pupils reside, in the proportion that the time for which they are enrolled or receive instruction for the school year is to the time that full-time pupils carrying a normal course schedule, at the same grade level, in the same school district, for the same school year, are enrolled and receive instruction. Tuition charges to the parent or guardian of a shared-time or part-time nonresident pupil shall be reduced by the amount of any increased state aid received by the district by the counting of the pupil.

d. (4) Eleventh and twelfth grade nonresident pupils who were residents of the district during the preceding school year and are enrolled in the district until the pupils graduate. Tuition for those pupils shall not be charged by the district in which the pupils are enrolled and the requirements of section 282.18 do not apply.

e. (5) Resident pupils receiving competent private instruction from a licensed practitioner provided through a public school district pursuant to chapter 299A shall be counted as six-tenths of one pupil.

f. (6) Resident pupils receiving competent private instruction under dual enrollment pursuant to chapter 299A shall be counted as one-tenth of one pupil.

b. Pupils attending a university laboratory school are not counted in the actual enrollment of a school district, but the laboratory school shall report their enrollment directly to the department of education.

c. A school district shall certify its actual enrollment to the department of education by October 15 of each year, and the department shall promptly forward the information to the department of management.

d. The department of management shall adjust the enrollment of the school district for the audit year based upon reports filed under section 11.6, and shall further adjust the budget of the second year succeeding the audit year for the property tax and state aid portions of the reported differences in enrollments for the year succeeding the audit year.

Sec. 60. Section 257.40, subsection 1, Code 2007, is amended to read as follows:

1. The board of directors of a school district requesting to use modified allowable growth for programs for returning dropouts and dropout prevention shall submit requests for modified at-risk allowable growth, including budget ~~cost~~ costs, to the department not later than December 15 of the year preceding the budget year during which the program will be offered. The department shall review the request and shall prior to January 15 either grant approval for the request or return the request for approval with comments of the department included. An unapproved request for a program may be resubmitted with modifications to the department not later than February 1. Not later than February 15, the department shall notify the department of management and the school budget review committee of the names of the school districts for which programs using modified allowable growth for funding have been approved and the approved budget of each program listed separately for each school district having an approved request.

Sec. 61. Section 260C.19A, subsection 2, paragraph a, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A flexible fuel which is ~~either~~ any of the following:

Sec. 62. Section 261C.6, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Not later than June 30 of each year, a school district shall pay a tuition reimbursement amount to an eligible postsecondary institution that has enrolled its resident eligible pupils under this chapter, unless the eligible pupil is participating in open enrollment under section 282.18, in which case, the tuition reimbursement amount shall be paid by the receiving district. However, if a child's residency changes during a school year, the tuition shall be paid by the district in which the child was enrolled as of the date specified in section 257.6, subsection 1, or the district in which the child was counted under section 257.6, subsection 1, paragraph "~~F~~" "a", subparagraph (6). For pupils enrolled at the school for the deaf and the Iowa braille and sight saving school, the state board of regents shall pay a tuition reimbursement amount by June 30 of each year. The amount of tuition reimbursement for each separate course shall equal the lesser of:

Sec. 63. Section 262.25A, subsection 3, paragraph a, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A flexible fuel which is ~~either~~ any of the following:

Sec. 64. Section 272.4, Code 2007, is amended to read as follows:

272.4 TERMS OF OFFICE.

1. Members, except for the director of the department of education, shall be appointed to serve staggered terms of four years. A member shall not serve more than two consecutive terms, except for the director of the department of education, who shall serve until the direc-

tor's term of office expires. A member of the board, except for the two public members, shall hold a valid practitioner's license during the member's term of office. A vacancy exists when any of the following occur:

1. a. A nonpublic member's license expires, is suspended, or is revoked.
 2. b. A nonpublic member retires or terminates employment as a practitioner.
 3. c. A member dies, resigns, is removed from office, or is otherwise physically unable to perform the duties of office.
 4. d. A member's term of office expires.
2. Terms of office for regular appointments shall begin and end as provided in section 69.19. Terms of office for members appointed to fill vacancies shall begin on the date of appointment and end as provided in section 69.19. Members may be removed for cause by a state court with competent jurisdiction after notice and opportunity for hearing. The board may remove a member for three consecutive absences or for cause.

Sec. 65. Section 279.17, Code 2007, is amended to read as follows:

279.17 APPEAL BY TEACHER TO ADJUDICATOR.

1. If the teacher is no longer a probationary teacher, the teacher may, within ten days, appeal the determination of the board to an adjudicator by filing a notice of appeal with the secretary of the board. The notice of appeal shall contain a concise statement of the action which is the subject of the appeal, the particular board action appealed from, the grounds on which relief is sought and the relief sought.

2. Within five days following receipt by the secretary of the notice of appeal, the board or the board's legal representative, if any, and the teacher or the teacher's representative, if any, may select an adjudicator who resides within the boundaries of the merged area in which the school district is located. If an adjudicator cannot be mutually agreed upon within the five-day period, the secretary shall notify the chairperson of the public employment relations board by transmitting the notice of appeal, and the chairperson of the public employment relations board shall within five days provide a list of five adjudicators to the parties. Within three days from receipt of the list of adjudicators, the parties shall select an adjudicator by alternately removing a name from the list until only one name remains. The person whose name remains shall be the adjudicator. The parties shall determine by lot which party shall remove the first name from the list submitted by the chairperson of the public employment relations board. The secretary of the board shall inform the chairperson of the public employee relations board of the name of the adjudicator selected.

3. If the teacher does not timely request an appeal to an adjudicator the decision, opinion, or conclusion of the board shall become final and binding.

Within thirty days after filing the notice of appeal, or within further time allowed by the adjudicator, the board shall transmit to the adjudicator the original or a certified copy of the entire record of the private hearing which may be the subject of the petition. By stipulation of the parties to review the proceedings, the record of the case may be shortened. The adjudicator may require or permit subsequent corrections or additions to the shortened record.

4. The record certified and filed by the board shall be the record upon which the appeal shall be heard and no additional evidence shall be heard by the adjudicator. In such appeal to the adjudicator, especially when considering the credibility of witnesses, the adjudicator shall give weight to the fact findings of the board; but shall not be bound by them.

5. Before the date set for hearing a petition for review of board action, which shall be within ten days after receipt of the record unless otherwise agreed or unless the adjudicator orders additional evidence be taken before the board, application may be made to the adjudicator for leave to present evidence in addition to that found in the record of the case. If it is shown to the adjudicator that the additional evidence is material and that there were good reasons for failure to present it in the private hearing before the board, the adjudicator may order that the additional evidence be taken before the board upon conditions determined by the adjudicator. The board may modify its findings and decision in the case by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions, with the adjudicator and mail copies of the new findings or decisions to the teacher.

6. The adjudicator may affirm board action or remand to the board for further proceedings. The adjudicator shall reverse, modify, or grant any appropriate relief from the board action if substantial rights of the teacher have been prejudiced because the board action is:

1. a. In violation of a board rule or policy or contract; or
2. b. Unsupported by a preponderance of the competent evidence in the record made before the board when that record is viewed as a whole; or
3. c. Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

7. The adjudicator shall, within fifteen days after the hearing, make a decision and shall give a copy of the decision to the teacher and the secretary of the board. The decision of the adjudicator shall become the final and binding decision of the board unless either party within ten days notifies the secretary of the board that the decision is rejected. The board may reject the decision by majority vote, by roll call, in open meeting and entered into the minutes of the meeting. The board shall immediately notify the teacher of its decision by certified mail. The teacher may reject the adjudicator's decision by notifying the board's secretary in writing within ten days of the filing of such decision.

8. All costs of the adjudicator shall be shared equally by the teacher and the board.

Sec. 66. Section 282.31, subsection 1, paragraph b, unnumbered paragraph 2, Code 2007, is amended to read as follows:

However, on June 30 of a school year, if the board of directors of a school district determines that the number of children under this paragraph who were counted in the basic enrollment of the school district ~~of in~~ that school year in accordance with section 257.6, subsection 1, is fewer than the sum of the number of months all children were enrolled in the school district under this paragraph during the school year divided by nine, the secretary of the school district may submit a claim to the department of education by August 1 following the school year for an amount equal to the district cost per pupil of the district for the previous school year multiplied by the difference between the number of children counted and the number of children calculated by the number of months of enrollment. The amount of the claim shall be paid by the department of administrative services to the school district by October 1. The department of administrative services shall transfer the total amount of the approved claim of a school district from the moneys appropriated under section 257.16 and the amount paid shall be deducted monthly from the state foundation aid paid to all school districts in the state during the remainder of the subsequent fiscal year in the manner provided in paragraph "a".

Sec. 67. Section 299A.8, Code 2007, is amended to read as follows:

299A.8 DUAL ENROLLMENT.

If a parent, guardian, or legal custodian of a child who is receiving competent private instruction under this chapter or a child over compulsory age who is receiving private instruction submits a request, the child shall also be registered in a public school for dual enrollment purposes. If the child is enrolled in a public school district for dual enrollment purposes, the child shall be permitted to participate in any academic activities in the district and shall also be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group, and the parent, guardian, or legal custodian shall not be required to pay the costs of any annual evaluation under this chapter. If the child is enrolled for dual enrollment purposes, the child shall be included in the public school's basic enrollment under section 257.6. A pupil who is participating only in extracurricular activities shall be counted under section 257.6, subsection 1, paragraph ~~"f"~~ "a", ~~subparagraph (6)~~. A pupil enrolled in grades nine through twelve under this section shall be counted in the same manner as a shared-time pupil under section 257.6, subsection 1, paragraph ~~"c"~~ "a", ~~subparagraph (3)~~.

Sec. 68. Section 307.21, subsection 5, paragraph a, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A flexible fuel which is ~~either~~ any of the following:

Sec. 69. Section 321G.13, subsection 1, paragraph g, unnumbered paragraph 2, Code 2007, is amended to read as follows:

This paragraph “g” does not prohibit the use of ford crossings of public or private roads or any other ford crossing when used for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed; or the operation of snowmobiles on ice.

Sec. 70. Section 327C.5, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Violations of the provisions of this chapter and chapters 327D to through 327G shall be punished as a schedule “one” penalty unless otherwise indicated. Violations of a continuing nature shall constitute a separate offense for each violation unless otherwise provided. The schedule of violations shall be:

Sec. 71. Section 356.37, Code 2007, is amended to read as follows:

356.37 CONFINEMENT AND DETENTION REPORT — DESIGN PROPOSALS.

The division of criminal and juvenile justice planning of the department of human rights, in consultation with the department of corrections, the Iowa county attorneys association, the Iowa state sheriff’s association, the Iowa association of chiefs of police and peace officers, a statewide organization representing rural property taxpayers, the Iowa league of cities, and the Iowa board of supervisors association, shall prepare a report analyzing the confinement and detention needs of jails and facilities established pursuant to ~~chapters 356 and this chapter~~ and chapter 356A. The report for each type of jail or facility shall include but is not limited to an inventory of prisoner space, daily prisoner counts, options for detention of prisoners with mental illness or substance abuse service needs, and the compliance status under section 356.36 for each jail or facility. The report shall contain an inventory of recent jail or facility construction projects in which voters have approved the issuance of general obligation bonds, essential county purpose bonds, revenue bonds, or bonds issued pursuant to chapter 423B. The report shall be revised periodically as directed by the administrator of the division of criminal and juvenile justice planning. The first submission of the report shall include recommendations on offender data needed to estimate jail space needs in the next two, three, and five years, on a county, geographic region, and statewide basis, which may be based upon information submitted pursuant to section 356.49.

Sec. 72. Section 384.4, subsection 2, Code 2007, is amended to read as follows:

2. Interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, the principal at maturity of all general obligation bonds issued by the city or to pay, or to create a sinking fund to pay, amounts as due on loans received through the former Iowa community development loan program pursuant to section 15E.120.

Sec. 73. Section 384.94, Code 2007, is amended to read as follows:

384.94 PRIOR PROJECTS PRESERVED.

Projects and proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations commenced before the effective date of the city code may be consummated and completed as required or permitted by any statute or other law amended or repealed by ~~64GA 1972 Iowa Acts~~, chapter 1088, as though such repeal or amendment had not occurred, and the rights, duties, and interests flowing from such projects and proceedings remain valid and enforceable. Without limiting the foregoing, projects commenced prior to said effective date may be financed by the issuance of revenue bonds, pledge orders, and other temporary obligations under any such amended or repealed law or by the issuance of revenue bonds and pledge orders under the city code. For purposes of this section, commencement of a project includes, but is not limited to, action taken by the governing body or authorized officer to fix a date for either a hearing or an election in connection with any part of the project, and commencement of proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations includes, but is not limited to, action taken by the governing body to fix a date

for either a hearing or a sale in connection with any part of such revenue bonds, pledge orders, or other temporary obligations or to order any part thereof to be issued.

Sec. 74. Section 423.3, subsection 56, Code 2007, is amended to read as follows:

56. The sales price from the sale of motor fuel and special fuel consumed for highway use or in watercraft or aircraft where the fuel tax has been imposed and paid and no refund has been or will be allowed and the sales price from the sales of ethanol blended gasoline, as defined in section ~~452A.2~~ 214A.1.

Sec. 75. Section 423.3, subsection 57, paragraph f, subparagraph (3), subparagraph subdivision (b), Code 2007, is amended to read as follows:

(b) Eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the United States food and drug administration in ~~chapter, ch. 3~~, part 401.11 of its food code, so as to prevent foodborne illnesses.

Sec. 76. Section 423.9A, subsection 3, paragraph b, Code 2007, is amended to read as follows:

b. Three members representing small Iowa businesses, at least one of whom ~~must~~ shall be a retailer, and at least one of whom shall be a supplier.

Sec. 77. Section 446.17, Code 2007, is amended to read as follows:

446.17 SALE CONTINUED.

The county treasurer shall continue the sale from day to day as long as there are bidders or until all delinquent parcels have been offered for sale.

If notice of annual tax sale has been published under section 446.9, ~~as it appeared in the 1991 Code 1991~~, the notice is valid and further notice is not required for an adjourned sale held under this section, unless it is a public bidder sale.

Sec. 78. Section 452A.31, subsection 6, paragraph b, Code 2007, is amended to read as follows:

b. The aggregate per gallon distribution percentage ~~which is the aggregate ethanol blended gasoline gallonage expressed as a percentage of the aggregate gasoline gallonage calculated for a twelve-month period beginning January 1 and ending December 31.~~

Sec. 79. Section 455B.197, Code 2007, is amended to read as follows:

455B.197 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS.

The department may issue a permit related to the administration of the national pollutant discharge elimination system (NPDES) permit program pursuant to the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pt. 124 including but not limited to storm water discharge permits issued pursuant to section 455B.103A. The department may provide for the receipt of applications and the issuance of permits as provided by rules adopted by the department which are consistent with this section. The department shall assess and collect fees for the processing of applications and the issuance of permits as provided in this section. The department shall deposit the fees into the national pollutant discharge elimination system permit fund created in section 455B.196. The fees shall be established as follows:

1. For a permit for the discharge from mining and processing facilities, NPDES general permit no. 5, the following fee schedule shall apply:

a. An annual permit, one hundred twenty-five dollars each year.

b. For a multiyear permit, all of the following shall apply:

(1) A three-year permit, three hundred dollars.

(2) A four-year permit, four hundred dollars.

(3) A five-year permit, five hundred dollars.

2. For coverage under ~~the national pollutant discharge elimination system (NPDES)~~ NPDES individual permits for storm water, for a construction permit, an application fee of one hundred dollars.

3. For coverage under ~~the national pollutant discharge elimination system (NPDES)~~ NPDES individual permits for nonstorm water, the following annual fees apply:

- a. For a major municipal facility, one thousand two hundred seventy-five dollars.
- b. For a minor municipal facility, two hundred ten dollars.
- c. For a semipublic facility, three hundred forty dollars.
- d. For a facility that holds an operation permit, with no wastewater discharge into surface waters, one hundred seventy dollars.
- e. For a municipal water treatment facility, a fee shall not be charged.
- f. For a major industrial facility, three thousand four hundred dollars.
- g. For a minor industrial facility, three hundred dollars.
- h. For an open feedlot operation as provided in chapter 459A, an annual fee of three hundred forty dollars.
- i. For a new facility that has not been issued a current nonstorm water NPDES permit, a prorated amount which shall be calculated by taking the annual fee amount multiplied by the number of months remaining before the next annual fee due date divided by twelve.
- j. For a facility covered under an existing nonstorm water NPDES permit, a prorated amount which shall be calculated by taking the annual fee amount multiplied by the number of months remaining before the next annual fee due date divided by twelve.
- k. For a nonstorm water permit as provided in this subsection, a single application fee of eighty-five dollars.

Sec. 80. Section 455G.31, subsection 2, Code 2007, is amended to read as follows:

2. A retail dealer may use gasoline storage and dispensing infrastructure to store and dispense E-85 gasoline if all of the following apply:

a. For gasoline storage and dispensing infrastructure other than the dispenser, the department of natural resources under this chapter or the state fire marshal under chapter 101 must determine that it is compatible with E-85 gasoline.

b. For a dispenser, the manufacturer must ~~state all of~~ provide a written statement that includes the following:

(1) That the dispenser is, in the opinion of the manufacturer, not incompatible with E-85 gasoline.

(2) ~~The~~ That the manufacturer has initiated the process of applying to an independent testing laboratory for listing of the equipment for use in dispensing E-85 gasoline.

c. A manufacturer's statement ~~under paragraph "b", must also include a written statement, with reference to a~~ information regarding the particular type and model of equipment for use in dispensing E-85 gasoline, ~~be~~ signed by a responsible official on behalf of the manufacturer, ~~and be~~ provided either to the retail dealer using the gasoline storage and dispensing infrastructure or to the department of natural resources or the state fire marshal. If the written statement is provided to a retail dealer, the statement shall be retained in the files on the premises of the retail dealer and shall be available to personnel of the department of natural resources or the state fire marshal upon request.

Sec. 81. Section 456A.33B, subsection 2, paragraph a, Code 2007, is amended to read as follows:

a. The department shall develop an initial list of not more than thirty-five significant public lakes to be considered for funding based on the feasibility of restoring each lake ~~for restoration~~ and the use or potential use of the lake, if restored. The list shall include lake projects under active development that the department shall recommend be given priority for funding so long as progress toward completion of the projects remains consistent with the goals of this section.

Sec. 82. Section 456A.33B, subsection 2, paragraph c, subparagraph (4), subparagraph subdivision (d), Code 2007, is amended to read as follows:

(d) Sustainability. The water quality benefits of from the restoration efforts will be sustained for at least fifty years.

Sec. 83. Section 460.304, subsection 2, paragraph a, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Provide cost-share moneys to persons closing agricultural drainage wells in accordance with the priority system established pursuant to section 460.302. In conjunction with closing agricultural drainage wells, the division shall award cost-share moneys to carry out the following projects:

Sec. 84. Section 461C.1, Code 2007, is amended to read as follows:

461C.1 PURPOSE.

The purpose of this chapter is to encourage private owners of land to make land and water areas available to the public for recreational purposes and for urban deer control by limiting their an owner's liability toward persons entering thereon onto the owner's property for such purposes.

Sec. 85. Section 499B.6, Code 2007, is amended to read as follows:

499B.6 COPY OF THE FLOOR PLANS TO BE FILED.

There shall be attached to the declaration, at the time it is filed, a full and an exact copy of the plans of the building, which copy shall be entered of record along with the declaration. The plans shall show graphically all particulars of the building including, but not limited to, the dimensions, area and location of common elements affording access to each apartment. Other common elements, both limited and general, shall be shown graphically insofar as possible and shall be certified to by an engineer, architect, or land surveyor, either of which who is registered or licensed to practice that profession in this state.

Sec. 86. Section 514.1, unnumbered paragraph 2, Code 2007, is amended to read as follows:

For the purposes of this chapter, "subscriber" means an individual who enters into a contract for health care services with a corporation subject to this chapter and includes a person eligible for medical assistance or additional medical assistance as defined under chapter 249A, with respect to whom the department of human services has entered into a contract with a firm operating under this chapter 514. For purposes of this chapter, "provider" means a person as defined in section 4.1, subsection 20, which is licensed or authorized in this state to furnish health care services. "Health care" means that care necessary for the purpose of preventing, alleviating, curing, or healing human physical or mental illness, injury, or disability.

Sec. 87. Section 514.19, Code 2007, is amended to read as follows:

514.19 COMBINED SERVICE CORPORATIONS.

A corporation subject to this chapter may combine with any other corporation subject to this chapter as permitted under chapter 504 and upon the approval by the commissioner of insurance. Each corporation shall comply with chapter 504, the corporation's articles of incorporation, and the corporation's bylaws. The combined service corporation shall continue the service benefits previously provided by each corporation and may, subject to the approval of the commissioner of insurance, offer other service benefits not previously provided by the corporations before combining, which are permitted under this chapter 514.

Sec. 88. Section 515.102, Code 2007, is amended to read as follows:

515.102 CONDITIONS INVALIDATING POLICY.

Any condition or stipulation referring to any of the following shall not be changed or affected by the provisions of section 515.101:

1. To any other insurance, valid or invalid, ~~or~~
2. To vacancy of the insured premises, ~~or~~
3. To the title or ownership of the property insured, ~~or~~
4. To lien, or encumbrances thereon created by voluntary act of the insured and within the insured's control, ~~or~~

5. To the suspension or forfeiture of the policy during default or failure to pay any written obligation given to the insurance company for the premium, ~~or.~~
6. To the assignment or transfer of such policy of insurance before loss without the consent of the insurance company, ~~or.~~
7. To the removal of the property insured, ~~or.~~
8. To a change in the occupancy or use of the property insured, if such change or use makes the risk more hazardous, ~~or.~~
9. To the fraud of the insured in the procurement of the contract of insurance— ~~shall not be changed or affected by the provision of section 515.101.~~

Sec. 89. Section 515A.6, subsection 1, paragraph a, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A corporation, an unincorporated association, a partnership, or an individual, whether located within or outside this state, may make application to the commissioner for a license as a rating organization for such kinds of insurance, or subdivision or class of risk or a part or combination thereof as are specified in its application and shall file with the application all of the following:

Sec. 90. Section 515A.9, Code 2007, is amended to read as follows:

515A.9 INFORMATION TO BE FURNISHED INSUREDS — HEARINGS AND APPEALS OF INSUREDS.

Every rating organization and every insurer which makes its own rate shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate. Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by the person's authorized representative, on the person's written request to review the manner in which such rating system has been applied in connection with the insurance afforded the person. Such review of the manner in which a rating system has been applied is not a contested case under chapter 17A. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if the application had been rejected. Any party affected by the action of such rating organization or such insurer on such request may, within thirty days after written notice of such action, appeal to the commissioner, who, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action. Such appeal to the commissioner of the manner in which a rating system has been applied is not a contested case under chapter 17A.

Sec. 91. Section 521.1, subsection 4, Code 2007, is amended to read as follows:

4. "Company" ~~when used in this chapter~~ means a company or association organized under chapter 508, 511, 515, 518, 518A, or 520, and includes a mutual insurance holding company organized pursuant to section 521A.14.

Sec. 92. Section 521.6, Code 2007, is amended to read as follows:

521.6 EXAMINATION.

The commission may examine the affairs and condition of any company as it deems proper, ~~and. The commission~~ shall have the power to summon and compel the attendance and testimony of witnesses, ~~and. The commission shall have the power to compel~~ the production of books and papers before the commission, and may administer oaths.

Sec. 93. Section 524.1601, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A director, officer, or employee of a state bank or bank holding company who willfully vio-

lates any of the provisions of subsection 4 of section 524.612, section 524.613, subsection 2 of section 524.706, insofar as such subsection incorporates subsection 4 of section 524.612, or section 524.710, shall be guilty of a serious misdemeanor, ~~plus and~~, in the following circumstances, shall pay an additional fine or fines equal to:

Sec. 94. Section 533D.6, subsection 1, Code 2007, is amended to read as follows:

1. The prior written approval of the superintendent is required for the continued operation of a delayed deposit services business whenever a change in control of a licensee is proposed. The person requesting such approval shall pay to the superintendent a fee of one hundred dollars. Control in the case of a corporation means direct or indirect ownership of, or the right to control, ten percent or more of the voting shares of the corporation, or the ability of a person to elect a majority of the directors or otherwise effect a change in policy. Control in the case of any other entity means any change in the principals of the organization, whether active or passive. The superintendent may require information deemed necessary to determine whether a new application is required. Costs incurred by the superintendent in investigating a change of control request shall be paid by the person requesting such approval.

Sec. 95. Section 535B.4, subsection 7, Code 2007, is amended to read as follows:

7. Applications for renewals of licenses and individual registrations under this chapter must be filed with the administrator before June 1 of the year of expiration on forms prescribed by the administrator. A renewal application must be accompanied by a fee of two hundred dollars for a license to transact business solely as a mortgage broker, and four hundred dollars for a license to transact business as a mortgage banker. The fee to renew an individual registration shall be the fee determined pursuant to 2005 Iowa Acts, ~~ch. 83, section 6 535B.4A~~. The administrator may assess a late fee of ten dollars per day for applications or registrations accepted for processing after June 1.

Sec. 96. Section 535B.17, Code 2007, is amended to read as follows:

535B.17 POWERS AND DUTIES OF THE ADMINISTRATOR — WAIVER AUTHORITY.

In addition to any other duties imposed upon the administrator by law, the administrator may participate in a multistate automated licensing system for mortgage bankers, mortgage brokers, and individual registrants. For this purpose, the administrator may establish by rule or order new requirements as necessary, including but not limited to requirements that license applicants and individual registrants submit to fingerprinting, and criminal history checks, and pay fees therefor.

Sec. 97. Section 536.13, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The superintendent may investigate the conditions and find the facts with reference to the business of making regulated loans, as described in section 536.1 and after making the investigation, report in writing its any findings to the next regular session of the general assembly, and upon the basis of the facts:

Sec. 98. Section 537.6203, subsection 5, Code 2007, is amended to read as follows:

5. Moneys collected under this section shall be deposited in a consumer credit administration fund in the state treasury and shall be used for the administration of this chapter 537. The moneys are subject to warrant upon certification of the administrator and are appropriated for these purposes. Notwithstanding section 8.33, the moneys in the fund do not revert at the end of a fiscal period.

Sec. 99. Section 558.70, subsection 4, Code 2007, is amended to read as follows:

4. This section applies to a contract seller who entered into four or more residential real estate contracts in the three hundred sixty-five days previous to the contract seller signing the contract disclosure statement. For purposes of this subsection, two or more entities sharing

a common owner or manager are considered a single contract seller. This section does not apply to ~~an a person or~~ organization listed in section 535B.2, subsections 1 through 7.

Sec. 100. Section 579B.1, subsection 4, Code 2007, is amended to read as follows:

4. "Contract livestock facility" means an animal feeding operation as defined in section 459.102, in which livestock or raw milk is produced according to a production contract executed pursuant to section 579B.2 by a contract producer who owns or leases the animal feeding operation. "Contract livestock facility" includes a confinement feeding operation as defined in section 459.102, an open feedlot as defined in section 459A.102, or an area which is used for the raising of crops or other vegetation and upon which livestock is fed for slaughter or is allowed to graze or feed.

Sec. 101. Section 579B.1, subsection 12, Code 2007, is amended by striking the subsection.

Sec. 102. Section 602.9116, subsection 1, Code 2007, is amended to read as follows:

1. The court administrator shall cause an actuarial valuation to be made of the assets and liabilities of the judicial retirement fund at least once every four years commencing with the fiscal year beginning July 1, 1981. For each fiscal year in which an actuarial valuation is not conducted, the court administrator shall cause an annual actuarial update to be prepared for the purpose of determining the adequacy of the contribution rates specified in section 602.9104. The court administrator shall adopt mortality tables and other necessary factors for use in the actuarial calculations required for the valuation upon the recommendation of the actuary. Following the actuarial valuation or annual actuarial update, the court administrator shall determine the condition of the system and shall report ~~its~~ any findings and recommendations to the general assembly.

Sec. 103. Section 614.24, unnumbered paragraph 1, Code 2007, is amended to read as follows:

No action based upon any claim arising or existing by reason of the provisions of any deed or conveyance or contract or will reserving or providing for any reversion, reverted interests or use restrictions in and to the land therein described shall be maintained either at law or in equity in any court to recover real estate in this state or to recover or establish any interest therein or claim thereto, legal or equitable, against the holder of the record title to such real estate in possession after twenty-one years from the recording of such deed of conveyance or contract or after twenty-one years from the admission of said will to probate unless the claimant shall, personally, or by the claimant's attorney or agent, or if the claimant is a minor or under legal disability, by the claimant's guardian, trustee, or either parent or next friend, ~~shall~~ file a verified claim with the recorder of the county wherein said real estate is located within said twenty-one year period. In the event said deed was recorded or will was admitted to probate more than twenty years prior to July 4, 1965, then said claim may be filed on or before one year after July 4, 1965. Such claims shall set forth the nature thereof, also the time and manner in which such interest was acquired. For the purposes of this section, the claimant shall be any person or persons claiming any interest in and to said land or in and to such reversion, reverter interest or use restriction, whether the same is a present interest or an interest which would come into existence if the happening or contingency provided in said deed or will were to happen at once. Said claimant further shall include any member of a class of persons entitled to or claiming such rights or interests.

Sec. 104. Section 680.8, Code 2007, is amended to read as follows:

680.8 NONAPPLICABILITY.

The provisions of section 680.7 shall not apply to the receivership of state banks, as defined in section 524.105, trust companies, or private banks, ~~and~~. In addition, in the receivership of such state banks and trust companies, or private banks, no ~~such~~ preference or priority shall be allowed as is provided in ~~the~~ section 680.7 except for labor or wage claims as provided by statute.

Sec. 105. Section 692.8A, subsection 4, Code 2007, is amended to read as follows:

4. An intelligence assessment and intelligence data shall be deemed a confidential record of the department under section 22.7, subsection 55, except as otherwise provided in this subsection. This section shall not be construed to prohibit the dissemination of an intelligence assessment to any agency or organization if necessary for carrying out the official duties of the agency or organization, or to a person if disseminated for an official purpose, and to a person if necessary to protect a person or property from a threat of imminent serious harm. This section shall also not be construed to prohibit the department from disseminating a public health and safety threat advisory or alert by press release or other method ~~or of~~ public communication.

Sec. 106. Section 815.11, Code 2007, is amended to read as follows:

815.11 APPROPRIATIONS FOR INDIGENT DEFENSE — FUND CREATED.

Costs incurred under chapter 229A, 665, 822, or 908, or section 232.141, subsection 3, paragraph “d”, or section 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or 815.10 on behalf of an indigent shall be paid from moneys appropriated by the general assembly to the office of the state public defender in the department of inspections and appeals and deposited in an account to be known as the indigent defense fund. Costs incurred representing an indigent defendant in a contempt action, or representing an indigent juvenile in a juvenile court proceeding under chapter 600, are also payable from the fund. However, costs incurred in any administrative proceeding or in any other proceeding under this chapter or chapter 598, 600, 600A, 633, 633A, 814, 815, or 915 or other provisions of the Code or administrative rules are not payable from the fund.

Sec. 107. Section 904.312A, subsection 2, paragraph a, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A flexible fuel which is ~~either~~ any of the following:

Sec. 108. Section 910.10, subsection 3, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A restitution lien may be filed by ~~either~~ any of the following:

Sec. 109. Section 910.15, subsection 2, paragraph d, subparagraph (2), Code 2007, is amended to read as follows:

(2) It is more probable than not that there are victims who may recover a money judgment against the felon for physical, mental, or emotional injury or pecuniary loss proximately caused by the convicted felon as a result of the felony for which the felon was convicted or there is an unpaid order of restitution under this chapter ~~910~~ against the convicted felon for the felony for which the felon was convicted.

Sec. 110. Section 910.15, subsection 5, Code 2007, is amended to read as follows:

5. **PAYMENT OF ESCROW FUNDS TO VICTIMS.** The remaining proceeds in escrow may be levied upon to satisfy an order for restitution under this chapter ~~910~~ or a money judgment entered against the convicted felon, by a court of competent jurisdiction, for physical, mental, or emotional injury, or pecuniary loss proximately caused by the convicted felon as a result of the felony for which the felon was convicted.

Sec. 111. Section 915.94, Code 2007, is amended to read as follows:

915.94 VICTIM COMPENSATION FUND.

A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 915.41 and this subchapter. In addition, the department may use moneys from the fund for the purpose of the department’s prosecutor-based victim service coordination, including the duties defined in sections 910.3 and 910.6 and this chapter, and for the

award of funds to programs that provide services and support to victims of domestic abuse or sexual assault as provided in chapter 236, and to victims of under section 710A.2. The department may also use up to one hundred thousand dollars from the fund to provide training for victim service providers. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Sec. 112. 2006 Iowa Acts, chapter 1106, section 1, subsection 5, paragraph c, is amended to read as follows:

c. Grants for veterans injured after September 11, 2001, but prior to the effective date of this section of this Act shall be payable, upon a showing that the veteran would have been eligible for payment had the injury occurred on or after the effective date of this Act. ²

Sec. 113. 2006 Iowa Acts, chapter 1153, section 3, subsection 1, paragraph c, subparagraph (4), is amended to read as follows:

(4) Information regarding adopted ethical and professional standards of operation for the governing body and employees of the recipient entity and information concerning the implementation of these standards and the training of employees and members of the governing body on the standards. The standards shall include but not be limited to a nepotism policy which shall provide, at a minimum, for disclosure of familial relationships among employees and between employees and members of the governing body, and policies regarding conflicts of interest, standards of responsibility and obedience to law, fairness, and honesty.

Sec. 114. 2006 Iowa Acts, chapter 1179, section 33, unnumbered paragraph 1, is amended to read as follows:

Section 8.57, subsection 6, Code Supplement 2005, is amended by adding the following new paragraph:

Sec. 115. 2006 Iowa Acts, chapter 1179, section 57, subsection 1, is amended to read as follows:

1. A state aviation fund is created under the authority of the department. The fund shall consist of moneys deposited in the fund pursuant to sections ~~328.21~~ 328.36 and 452A.82 and other moneys appropriated to the fund.

Sec. 116. RETROACTIVE APPLICABILITY. The following sections of this Act are retroactively applicable as follows:

1. The section amending 2006 Iowa Acts, chapter 1106, section 1, is retroactively applicable to May 8, 2006, and is applicable on and after that date.

2. The section amending 2006 Iowa Acts, chapter 1153, section 3, is retroactively applicable to service contracts entered into or renewed by an oversight agency on and after October 1, 2006.

3. The section amending 2006 Iowa Acts, chapter 1179, section 33, is retroactively applicable to July 1, 2006, and is applicable on and after that date.

Approved March 23, 2007

² See chapter 215, §258 herein

CHAPTER 23**COOPERATIVE ASSOCIATIONS —
MISCELLANEOUS PROVISIONS***S.F. 319*

AN ACT relating to cooperative associations, by providing for documentation, including certificates and statements.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 499.15, Code 2007, is amended to read as follows:

499.15 CONTENTS OF CERTIFICATES.

The association ~~shall~~ may issue certificates of membership or stock, each of which states the fixed dividend, if any, and the restrictions or limitations upon its ownership, voting, transfer, redemption, or cancellation.

Sec. 2. Section 499.16, Code 2007, is amended to read as follows:

499.16 SUBSCRIPTIONS — ISSUING CERTIFICATES.

If permitted by the association's articles of incorporation, any eligible subscriber for common stock or membership may vote and be treated as a member after making part payment of the amount, if any, required to be paid for the common stock or membership in cash, giving the subscriber's note for the balance, and satisfying any other requirement for the subscription as set forth in the articles. A subscription may be forfeited as provided in section 499.32. Stock or a membership certificate shall not be issued until payment of the amount, if any, required to be paid for the stock or membership certificate is fully made. A subscriber shall not hold office until the ~~subscriber's certificate~~ association has ~~been~~ issued the subscriber stock or membership.

Sec. 3. Section 499.17, Code 2007, is amended to read as follows:

499.17 TRANSFER OF STOCK OR MEMBERSHIP.

No common stock shall be transferable, unless the articles expressly provide for transfer to others eligible for membership. Such provision may require that the transfer be preceded by an offer to the association, or be otherwise restricted. No nonstock membership shall be transferable, and ~~all if the association issues certificates thereof of membership or stock to a member, the certificates~~ shall be surrendered to the association on the member's voluntary withdrawal.

Sec. 4. Section 499.44, subsection 3, Code 2007, is amended to read as follows:

3. Articles of incorporation, amendments to articles, or renewal of articles must be filed with the secretary of state, ~~and recorded in the county where the association has its principal place of business, as required by the general corporation laws~~. The association's corporate existence shall begin upon approval by the secretary of state of the articles and issuance of the certificate of incorporation.

Sec. 5. Section 499.47, subsection 3, Code 2007, is amended to read as follows:

3. Upon the expiration or voluntary dissolution of an association, the members shall designate three of their number as trustees to replace the officers and directors and wind up its affairs. The trustees shall have all the powers of the board, including the power to sell and convey real or personal property and execute conveyances. Within the time fixed in their designation, or any extension of that time, the trustees shall liquidate the association's assets, pay its debts and expenses, and distribute remaining funds among the members. Upon distribution of remaining assets the association shall stand dissolved and cease to exist. The trustees shall make and sign a duplicate report of the dissolution. One copy of the report shall be